



NEW HAMPSHIRE LAW LIBRARY

VOTERS' GUIDE

TO PROPOSED AMENDMENTS TO CONSTITUTION OF STATE OF NEW HAMPSHIRE

To appear on a special Ballot at Election on
November 8, 1960

Recommended by the
14th Constitutional Convention
at its Reconvened Session in December 1959

VOTERS OF NEW HAMPSHIRE!

This pamphlet was ordered, prepared and distributed at the expense of the State by the Convention to Revise the Constitution at a Session held December 2-4, 1959.

Its purpose is to help you, when you vote on November 8, 1960, to understand four proposed amendments to the New Hampshire Constitution which were approved by the Convention.

REMEMBER! In order to amend the Constitution, two-thirds of the people voting on an amendment must vote Yes. A majority will not amend the Constitution.

At the November 1960 Election you will receive a separate ballot on which you will be asked to answer four questions about these proposed amendments. You may answer yes or no as you choose. These four questions and the Convention-Committee's explanation of each amendment are as follows:

QUESTION NO. 1.

ARE YOU IN FAVOR OF LIMITING THE PAYMENT OF MILEAGE TO THE MEMBERS OF THE LEGISLATURE TO 90 LEGISLATIVE DAYS OF A REGULAR SESSION OR JULY 1, WHICHEVER OCCURS FIRST; AND PAYING MILEAGE FOR UP TO 15 DAYS, ONLY FOR SPECIAL SESSIONS CALLED BY THE GOVERNOR OR BY TWO-THIRDS VOTE OF THE LEGISLATURE?

YES

☐

NO

☐

NOW — AT THE PRESENT TIME, in addition to a \$200 full-session "salary" payment, each member of the Legislature also receives a "mileage" payment for each day he or she is present during a session of the Legislature no matter how long the session lasts. "Mileage" is a travel allowance figured on the number of miles to Concord and return from a Legislator's town or ward. The smallest mileage paid a day is \$2.40 to a member from Concord; the largest amount paid a day is \$24.75 to a member from the Town of Pittsburgh.

The 1959 Session of the Legislature was the longest session in history. It began January 7th and ended on September 17th. Its paid expenses as of June 30th were

\$581,609.05. As of September 30, 1959 its paid operating costs totaled \$785,285.77. The Constitution does not limit the length of a legislative session except that the Legislature is dissolved seven days before a new Legislature assembles every two years.

If a special session is called, a member is paid \$3.00 a day and the usual mileage, but for no longer than 15 days. The present constitution does not say what number of the House and Senate are required to convene themselves in special session. The Legislature has fixed the number at a majority of each House.

IF THE AMENDMENT IS ADOPTED, under Article 15 of Part Second of the Constitution, a member at each regular session of the Legislature will receive mileage only for each day he or she is in actual attendance up to a total of 90 legislative days or until July 1st, whichever first occurs. A "legislative day" is a day when the Legislature is in actual session in Concord. Except for rare occasions the Legislature in the past has met only three legislative days a week.

Also, if the Legislature calls itself into special session, the members will get no pay or mileage unless two-thirds of the then qualified members of each House vote in favor of having such special session.

QUESTION NO. 2.

ARE YOU IN FAVOR OF THE PROPOSED
AMENDMENT WHICH EMPOWERS THE LEG-
ISLATURE TO PROVIDE FOR CONTINUITY OF
STATE AND LOCAL GOVERNMENT IN CASE
OF ENEMY ATTACK?

YES ☐

NO ☐

NOW — AT THE PRESENT TIME, our Legislature cannot make laws which would allow the immediate filling of vacancies in state and local government offices caused by death or disability in an enemy attack. If our state were attacked by enemy nuclear missiles and many of our officers and officials of government were killed, government would come to a standstill as no one would have authority to take immediate action. The public safety would require immediate action and the welfare of the people

would not be secured if vacancies could only be filled by having elections to elect officers and officials.

IF THE AMENDMENT IS ADOPTED, Article 5A, Part Second, a new article will be added to the Constitution which would allow the Legislature to pass laws which would become temporarily effective in the event of an enemy attack. Persons other than the elected and appointed officers and officials of government could then carry on governmental duties promptly until the vacancies caused by death or disability of government officers and officials by such attack could be filled by proper elections and appointments under regular government requirements.

QUESTION NO. 3.

ARE YOU IN FAVOR OF AMENDMENT TO PROVIDE THAT IN ORDER TO ENTITLE THE PARTIES TO TRIAL BY JURY IN CIVIL CASES THE AMOUNT INVOLVED IN SUCH CASES SHALL EXCEED \$500.00 INSTEAD OF \$100.00 AS NOW PROVIDED IN OUR CONSTITUTION.

YES ☐

NO ☐

NOW — AT THE PRESENT TIME, under Article 20, First Part of the Constitution a jury trial can be demanded in civil cases if the amount "in controversy exceeds \$100". The \$100 provision was put in our constitution in 1877.

IF THE AMENDMENT IS ADOPTED, the right to demand a trial by jury in civil cases will exist only in those cases where the amount in controversy exceeds \$500. If less than \$500, the case will be heard by a Judge alone without a jury. The present right to trial by jury where title to land is concerned and in criminal cases will not be changed. Some reasons for the amendment are: Fewer number of jury trials and thus less expense to taxpayers. Jury cases will reach trial with less delay—now have to wait nearly two years in some counties. The amendment merely brings the \$100 value of 1877 up to date and thus does not change "money value rights" of the parties. (Note: This same amendment was voted on in 1956, and approved by a vote of 144,515 to 18,467. However, the Supreme Court later decided that the meaning of the question on the ballot was not clear and hence, it is now submitted with the question framed in a different manner.)

QUESTION NO. 4.

ARE YOU IN FAVOR OF EMPOWERING THE LEGISLATURE TO MAKE SUITABLE CENSUS ADJUSTMENTS ON ACCOUNT OF NON-RESIDENTS TEMPORARILY RESIDING IN THE STATE IN MAKING ANY APPORTIONMENT TO DETERMINE LEGISLATIVE REPRESENTATION?

YES ☐

NO ☐

NOW — AT THE PRESENT TIME, the Federal Government takes a count of all the inhabitants of the United States every ten years. Beginning in 1950 for the first time, students attending schools and colleges were included as inhabitants in the town or ward where the school or college was located. Soldiers temporarily on military bases were also included as inhabitants. Thus these "temporary non-residents" increased a great deal the number of inhabitants in some of New Hampshire's towns and wards. As the 400 members of the House of Representatives are determined and apportioned every ten years among the towns and wards on the basis of the "inhabitants" reported in the census, some towns and wards have a greater representation in the Legislature than they would have if "temporary" students and military personnel were not included in the census of the town or ward where they are temporarily living.

IF THE AMENDMENT IS ADOPTED, a new article, Article 9A, will be added to Part Second of the Constitution which will allow the Legislature to pass a law which would deduct from the Federal Census Count "temporary non-resident" students and military personnel temporarily living in any town or ward. Such a law would change the number of representatives in the Legislature from some towns and wards and might increase the number of sessions to which some small "part-time" towns send representatives.

This proposed amendment would not reduce or increase the total membership of the House of Representatives which is limited to 400.

When in your voting booth on November 8, 1960, vote as you believe on these Constitutional Amendment questions but Be Sure To Vote!

IMPORTANT!

BE SURE TO READ

The Special Committee ordered by the Constitutional Convention to prepare and distribute this pamphlet, consists of:

J. Walker Wiggin, Manchester, President of the Convention.

Willoughby A. Colby, Concord, Chairman

Suzanne Loiseaux, Plymouth, Vice Chairman

Committee on Time and Mode of Submitting Amendments to the People

Edward J. Gallagher, Laconia, Chairman

Winslow H. Osborne, Concord, Vice Chairman

Committee on Form and Style of Amending the Constitution.

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